

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK

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THIRD CHURCH of CHRIST, SCIENTIST, of :  
NEW YORK CITY, :

Plaintiff, :

- against - :

THE CITY OF NEW YORK and PATRICIA J. :  
LANCASTER, in her official capacity as, :  
Commissioner of the New York City Department :  
of Buildings, :

Defendants. :  
----- X

07 Civ. 10962 (DAB)

**DECLARATION OF MONICA  
PA IN SUPPORT OF  
MOTION TO COMPEL**

I, MONICA PA, pursuant to 28 U.S.C. § 1746, declare are follows:

1. I am associated with the firm Davis Wright Tremaine LLP, counsel for Plaintiff Third Church of Christ, Scientist, of New York City (the “Church”). I respectfully submit this Declaration in support of the Church’s motion to compel non-parties, 570 Park Avenue Apartments, Inc., 580 Park Avenue, Inc., Susan Relyea, as a Member of the Co-Op Board of 580 Park Avenue, Inc., and The Beekman Tenants Corporation (the “Beekman”) (collectively, the “Neighbors”), to comply with the subpoenas served upon them (the “Subpoenas”).

2. Attached as Exhibit A is a true and correct copy of the Order, dated March 3, 2008, granting the parties permission to conduct pre-hearing discovery.

3. Attached as Exhibit B is a true and accurate copy of the Subpoena *Duces Tecum* served on 570 Park Avenue Apartments, Inc. on March 6, 2008.

4. Attached as Exhibit C is a true and accurate copy of the Subpoena *Duces Tecum* served on 580 Park Avenue Apartments, Inc. on April 2, 2008.

5. Attached as Exhibit D is a true and accurate copy of the Subpoena *Duces Tecum* served on The Beekman Tenants Corporation on March 6, 2008.

6. Attached as Exhibit E is a true and accurate copy of the Subpoena *Duces Tecum* and *Ad Testificandum* served on Susan Relyea, as a Member of the Co-Op Board of 580 Park Avenue, Inc., on March 6, 2008.

7. The Neighbors initiated a public relations campaign against the Church, and circulated flyers claiming that the Church's hosting of catered events at its historic premises – although no different than the practices of neighboring institutions – would cause significant disruption in their backyard. Attached as Exhibit F is a copy of a flyer circulated by the Neighbors.

8. Attached as Exhibit G are three letters that the Neighbors sent to the Department of Buildings (“DOB”), dated March 12, 2007, March 30, 2007, and October 5, 2007.

9. On November 30, 2007, the City succumbed to the demands of these influential neighbors and the DOB sent a letter reversing itself and notifying the Church and its caterer that it intended to revoke its prior approval for the repairs and the catering at the Church's premises. Attached as Exhibit H is a copy of the DOB's final revocation letter dated November 30, 2007.

10. The Neighbor's opposition efforts continued. The Church since learned that, upon information and belief, the Neighbors have retained a videographer and installed a video camera directly across the street from the Church to spy on the Church's activities 24 hours a day.

11. Pursuant to the Court's March 3<sup>rd</sup> pre-hearing discovery Order, the Church served Subpoenas on the Neighbors in an attempt to discover relevant information.

12. When initially contacted by the Neighbors' counsel, the Church was flexible and offered to extend their time to respond from March 26<sup>th</sup> to April 10th. Attached as Exhibit I is a letter from C. Palella to J. Cuti, dated March 19, 2008.

13. However, on April 10, 2008, the Neighbors served blanket objections to all of the requests in the Subpoenas. Attached as Exhibit J is a letter from C. Palella to V. Kovner, dated April 10, 2008, concerning 570 Park Avenue Apartments, Inc. Attached as Exhibit J is a letter from C. Palella to V. Kovner, dated April 10, 2008, concerning 570 Park Avenue Apartments, Inc. Attached as Exhibit K is a letter from C. Palella to V. Kovner, dated April 10, 2008, concerning 580 Park Avenue Apartments, Inc. Attached as Exhibit L is a letter from C. Palella to V. Kovner, dated April 10, 2008, concerning the Subpoena served on Susan Relyea, as a member of the Co-Op board of 580 Park Avenue Apartments, Inc. Attached as Exhibit M is a letter from C. Palella to V. Kovner, dated April 10, 2008, concerning The Beekman Tenants Corporation.

14. The Neighbors also served a Categorical Privileged Documents Log that refused to produce broad categories of documents and communications with various third-parties, attached as Exhibit N. They also served the Declaration of Phyllis H. Weisberg, dated 10, 2008, ostensibly to set forth their justification for their privilege assertions, attached as Exhibit O.

15. On April 14, 2008, counsel for the Church replied with a letter disputing their arguments and explaining why evidence from the Neighbors was highly relevant and discoverable. Attached as Exhibit P is a letter from J. Cuti to C. Palella., dated April 14, 2008.

16. On April 16, 2008, counsel for the Neighbors responded to the Church, and continued to maintain their refusal to comply with the Subpoena. Attached as Exhibit Q is a letter from C. Palella to J. Cuti dated April 17, 2008.

17. On April 17, 2008, counsel for the Church responded by insisting on compliance and refuting the bases for the Neighbors' objections. Attached as Exhibit R is a letter from J. Cuti to C. Palella dated April 17, 2008.

18. The afternoon of April 17th, the Neighbors wrote back by email seeking additional time to respond. The Church, however, explained that, because the Neighbors have refused to agree to produce responsive documents, the Church would be required to file this motion in light of the impending discovery deadline. Attached as Exhibit S is email correspondence between J. Cuti and C. Palella dated April 17, 2008.

19. Based on information from Fourth Wall Restaurants, the Church has learned that 234 catered events were held in the banquet facility located in the Beekman in 2007, and 307 events were held there in 2006.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 21, 2008

  
Monica Pa